

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

JAMES ISHAM,
Plaintiff,

v.

JO ANNE B. BARNHART,
Commissioner of Social Security,
Defendant.

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3:04-cv-427

Phillips

ORDER

This social security appeal is before the court on the report and recommendation filed by United States Magistrate Judge C. Clifford Shirley, Jr. [Doc. 15]. There have been no timely objections to the report and recommendation, and enough time has passed since the filing of the report and recommendation to treat any objections as having been waived. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

After a careful review of this matter, the court is in complete agreement with the magistrate judge's conclusion that there is substantial evidence in this record to support the decision of the administrative law judge that plaintiff is not disabled. The court therefore **ACCEPTS IN WHOLE** the report and recommendation under 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b). It is **ORDERED**, for the reasons stated in the report and recommendation, which the court adopts and incorporates into its ruling, that the plaintiff's motion for judgment on the pleadings [Doc. 11] is **DENIED**; the defendant

Commissioner's motion for summary judgment [Doc. 13] is **GRANTED**; the defendant Commissioner's decision in this case denying plaintiff's application for benefits under the Social Security Act is **AFFIRMED**; and this case is **DISMISSED**.

IT IS SO ORDERED.

ENTER:

s/Thomas W. Phillips
UNITED STATES DISTRICT JUDGE